

## STATEMENT OF BASIS

as required by LAC 33:IX.3109, for draft **Louisiana Pollutant Discharge Elimination System Permit No. LA0077798; AI 40451; PER20080001** to discharge to waters of the **State of Louisiana** as per LAC 33:IX.2311.

The **permitting authority** for the Louisiana Pollutant Discharge Elimination System (LPDES) is:

Louisiana Department of Environmental Quality  
Office of Environmental Services  
P. O. Box 4313  
Baton Rouge, Louisiana 70821-4313

- I. **THE APPLICANT IS:** Total Environmental Solutions, Inc. (TESI)  
Frenchman's Creek  
P.O. Box 14056  
Baton Rouge, LA 70898
- II. **PREPARED BY:** Casey Brown
- DATE PREPARED:** July 20, 2009
- III. **PERMIT ACTION:** reissue LPDES permit LA0077798, AI 40451; PER20080001  
  
LPDES application received: December 8, 2008  
  
EPA has not retained enforcement authority.  
  
LPDES permit issued: September 1, 2004  
LPDES permit expired: August 31, 2009

### IV. **FACILITY INFORMATION:**

- A. The application is for the discharge of treated sanitary wastewater from a privately owned treatment works serving the Frenchman's Creek Subdivision.
- B. The permit application does not indicate the receipt of industrial wastewater.
- C. The facility is located on Beaujolais Parkway, Lot 146 in Lafayette, Lafayette Parish.
- D. The treatment facility consists of an extended aeration mechanical treatment plant. Disinfection is by chlorination.
- E. Outfall 001

Discharge Location: Latitude 30° 4' 42" North  
Longitude 92° 2' 58" West

Description: treated sanitary wastewater

Expected Flow: 155 of homes x 400 gallons/day/home = 0.062 MGD

Calculations for gallons per day were based upon figures obtained from Chapter 15 of the State of Louisiana Sanitary Code, Department of Health and Hospitals, Office of Public Health.

Type of Flow Measurement which the facility is currently using:  
V-Notch Weir and/or Bucket and Stopwatch

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**V. RECEIVING WATERS:**

The discharge is into an unnamed ditch, thence into the Vermilion River in segment 060802 of the Vermilion - Teche Basin. This segment is not listed on the 303(d) list of impaired waterbodies.

The designated uses and degree of support for Segment 060802 of the Vermilion - Teche Basin are as indicated in the table below<sup>1/</sup>:

Overall Degree of Support for Segment 060802	Degree of Support of Each Use						
	Primary Contact Recreation	Secondary Contact Recreation	Propagation of Fish & Wildlife	Outstanding Natural Resource Water	Drinking Water Supply	Shell fish Propagation	Agriculture
Partial	Not Supported	Full	Not Supported	N/A	N/A	N/A	Full

<sup>1/</sup>The designated uses and degree of support for Segment 060802 of the Vermilion - Teche Basin are as indicated in LAC 33:IX.1123.C.3, Table (3) and the 2006 Water Quality Management Plan, Water Quality Inventory Integrated Report, Appendix A, respectively.

**VI. ENDANGERED SPECIES:**

The receiving waterbody, Subsegment 060802 of the Vermilion - Teche Basin, is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U. S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. It was determined that the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat.

**VII. HISTORIC SITES:**

The discharge is from an existing facility location, which does not include an expansion beyond the existing perimeter. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the 'Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits' no consultation with the Louisiana State Historic Preservation Officer is required.

**VIII. PUBLIC NOTICE:**

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

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Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

For additional information, contact:

Ms. Casey Brown  
 Water Permits Division  
 Department of Environmental Quality  
 Office of Environmental Services  
 P. O. Box 4313  
 Baton Rouge, Louisiana 70821-4313

**IX. PROPOSED PERMIT LIMITS:**

Subsegment 060802, Vermilion River – From New Flanders (Ambassador Caffery) Bridge, Hwy. 3073 to Intracoastal Waterway, is not listed on LDEQ's Final 2006 303(d) List as impaired. However, subsegment 060802 was previously listed as impaired for phosphorus, nitrogen, organic enrichment/low DO, pathogen indicators, suspended solids/turbidity/siltation, and carbofuran for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDLs have been established for subsegment 060802:

1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen

This TMDL was finalized January 19, 2001 and established a loading capacity equal to the 1999 Review and Assessment of the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen. This TMDL estimated the necessary reduction in nonpoint source loadings accelerate progress toward full support of the DO standard. Since the TMDL did not require reductions in point source loadings, no additional permit requirements are included. However, individual point sources in the Vermilion Watershed should continue to be issued on the basis of flow rates as follows:

FLOW RATE

greater than 25,000 gpd

PERMIT LIMITSMay – Dec.: 10 mg/l CBOD<sub>5</sub>/5 mg/l NH<sub>3</sub>-N/5 mg/l DOJan. - April: 20 mg/l CBOD<sub>5</sub>/10 mg/l NH<sub>3</sub>-N/5 mg/l DO

25,000 gpd or less

secondary limits year round

Additionally, in regard to nutrients such as nitrogen and phosphorous, LDEQ has determined that organic enrichment/DO directly correlates with overall nutrient impact. Thus, when organic enrichment/DO is limited (as with the established CBOD<sub>5</sub>/ NH<sub>3</sub>-N/ DO limits), LDEQ is also in effect limiting and controlling nutrient concentrations and impacts.

Therefore, this discharge will be permitted accordingly, and the permit maintains previously established limitations reflecting the above limits.

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## Vermilion River TMDL for Fecal Coliform

The *Vermilion River TMDL for Fecal Coliform* was finalized on April 5, 2001, addressing the presence of pathogen indicators in the watershed. As per this TMDL, "...there will be no change in the permit requirements based upon a wasteload allocation resulting from this TMDL." Therefore, Fecal Coliform effluent limitations will be permitted according to the current state water quality standards.

## TMDL for TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin

As per the *TMDL for TSS, Turbidity, and Siltation for the 15 Subsegments in the Vermilion River Basin*, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required. Therefore, TSS limits will be permitted through best professional judgment in accordance with similar facilities in Subsegment 060802 of the Vermilion-Teche River Basin.

## TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins

The *TMDL for the Pesticide Carbofuran in the Mermentau and Vermilion-Teche River Basins* was finalized on March 21, 2002, and states, "no point sources are known to discharge Carbofuran; therefore, no allocation was given to point source discharges in the Vermilion-Teche River Basin."

### Final Effluent Limits:

#### OUTFALL 001

Final limits shall become effective on the effective date of the permit and expire on the expiration date of the permit.

Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
CBOD <sub>5</sub>				
May – December	N/A	10 mg/l	15 mg/l	Limits are set in accordance with the 1999 Review and Assessment to the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen TMDL for dischargers with flows greater than 25,000 GPD
January - April	N/A	20 mg/l	30 mg/l	
TSS				
May – December	N/A	15 mg/l	23 mg/l	Since there is no numeric water quality criterion for TSS, and in accordance with the current Water Quality Management Plan, the TSS effluent limitations shall be based on a case-by-case evaluation of the treatment technology being utilized at a facility. Therefore, a Technology Based Limit has been established through Best Professional Judgement for the type of treatment technology utilized at this facility.
January - April	N/A	20 mg/l	30 mg/l	
Ammonia-Nitrogen				Limits are set in accordance with the 1999 Review and Assessment to the 1987 Vermilion River Watershed

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Effluent Characteristic	Monthly Avg. (lbs./day)	Monthly Avg.	Daily Max.	Basis
May – December	N/A	5 mg/l	10 mg/l	TMDL for Dissolved Oxygen TMDL for dischargers with flows greater than 25,000 GPD
January -April	N/A	10 mg/l	20 mg/l	
Dissolved Oxygen	N/A	5 mg/l	N/A	Limits are set in accordance with the 1999 Review and Assessment for the 1987 Vermilion River Watershed TMDL for Dissolved Oxygen TMDL for dischargers with flows greater than 25,000 GPD

\*Concentration limits are used in accordance with LAC 33:IX.2709.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which express BOD<sub>5</sub> and TSS in terms of concentration.

\*\*This Dissolved Oxygen limit is the lowest allowable average of daily discharges over a calendar month. When monitoring is conducted, the Dissolved Oxygen shall be analyzed immediately, as per 40 CFR 136.3.

#### Other Effluent Limitations:

##### 1) Fecal Coliform

The discharge from this facility is into a water body which has a designated use of Primary Contact Recreation. According to LAC 33:IX.1113.C.5., the fecal coliform standards for this water body are 200/100 ml and 400/100 ml. Therefore, the limits of 200/100 ml (Monthly Average) and 400/100 ml (Daily Maximum) are proposed as Fecal Coliform limits in the permit. These limits are being proposed through Best Professional Judgement in order to ensure that the water body standards are not exceeded, and due to the fact that existing facilities have demonstrated an ability to comply with these limitations using present available technology.

##### 2) pH

According to LAC 33:IX.3705.A.1., POTW's must treat to at least secondary levels. Therefore, in accordance with LAC 33:IX.5905.C., the pH shall not be less than 6.0 standard units nor greater than 9.0 standard units at any time.

##### 3) Solids and Foam

There shall be no discharge of floating solids or visible foam in other than trace amounts in accordance with LAC 33:IX.1113.B.7.

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**X. PREVIOUS PERMITS:****LPDES Permit No. LA0077798:** Issued: September 1, 2004

Expired: August 31, 2009

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>Monthly Avg.</u>	<u>Weekly Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	Report	Report	1/week	Measure
CBOD <sub>5</sub>				
May – December	10 mg/l	15 mg/l	2/month	Grab
January – April	20 mg/l	30 mg/l	2/month	Grab
TSS				
May – December	15 mg/l	23 mg/l	2/month	Grab
January – April	20 mg/l	30 mg/l	2/month	Grab
Ammonia-Nitrogen				
May – December	5 mg/l	10 mg/l	2/month	Grab
January – April	10 mg/l	20 mg/l	2/month	Grab
Dissolved Oxygen	5 mg/l	—	2/month	Grab
Fecal Coliform Colonies	200	400	2/month	Grab
pH (Standard Units)	(Range 6.0 su – 9.0 su)		2/month	Grab

**XI. ENFORCEMENT AND SURVEILLANCE ACTIONS:****A) Inspections**

A review of the files indicates that no recent inspections have been performed for this facility.

**B) Compliance and/or Administrative Orders**

A review of the files indicates there were no recent enforcement actions administered against this facility.

**C) DMR Review**

A review of the discharge monitoring reports for the period beginning March 2007 through March 2009 has revealed the following violations:

<b>Parameter</b>	<b>Outfall</b>	<b>Period of Excursion</b>	<b>Permit Limit</b>	<b>Reported Quantity</b>
DO, Monthly Avg	001	May 2007	5 mg/l	4.86 mg/l
DO, Monthly Avg	001	June 2007	5 mg/l	4.81 mg/l
DO, Monthly Avg	001	July 2007	5 mg/l	4.86 mg/l
DO, Monthly Avg	001	August 2007	5 mg/l	4.97 mg/l
DO, Monthly Avg	001	September 2007	5 mg/l	4.81 mg/l
DO, Monthly Avg	001	October 2007	5 mg/l	4.65 mg/l
DO, Monthly Avg	001	February 2008	5 mg/l	4.49 mg/l
DO, Monthly Avg	001	October 2008	5 mg/l	4.18 mg/l
TSS, Monthly Avg	001	December 2008	15 mg/l	22 mg/l
TSS, Weekly Avg			23 mg/l	29 mg/l

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**XII. ADDITIONAL INFORMATION:**

The Louisiana Department of Environmental Quality (LDEQ) reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional water quality studies and/or TMDL's. The LDEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge, or to accommodate for pollutant trading provisions in approved TMDL watersheds as requested by the permittee and/or as necessary to achieve compliance with water quality standards. Therefore, prior to upgrading or expanding this facility, the permittee should contact the Department to determine the status of the work being done to establish future effluent limitations and additional permit conditions.

In accordance with LAC 33:IX.2903., this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

- a) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b) Controls any pollutant not limited in the permit; or
- c) Requires reassessment due to change in 303(d) status of waterbody; or
- d) Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

At present, the **Monitoring Requirements, Sample Types, and Frequency of Sampling** shall remain as previously permitted.

Effluent CharacteristicsMonitoring Requirements

	<u>Measurement</u>	<u>Sample</u>
	<u>Frequency</u>	<u>Type</u>
Flow	1/week	Measure
CBOD <sub>5</sub>	2/month	Grab
Total Suspended Solids	2/month	Grab
Ammonia-Nitrogen	2/month	Grab
Dissolved Oxygen	2/month	Grab
Fecal Coliform Bacteria	2/month	Grab
pH	2/month	Grab

**XIII. TENTATIVE DETERMINATION:**

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in this Statement of Basis.

**XIV. REFERENCES:**

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 8, "Wasteload Allocations / Total Maximum Daily Loads and Effluent Limitations Policy," Louisiana Department of Environmental Quality, 2005.

Louisiana Water Quality Management Plan / Continuing Planning Process, Vol. 5, "Water Quality Inventory Section 305(b) Report," Louisiana Department of Environmental Quality, 1998.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations,

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Chapter 11 - "Louisiana Surface Water Quality Standards," Louisiana Department of Environmental Quality, 2004.

Louisiana Administrative Code, Title 33 - Environmental Quality, Part IX - Water Quality Regulations, Subpart 2 - "The LPDES Program," Louisiana Department of Environmental Quality, 2004.

Low-Flow Characteristics of Louisiana Streams, Water Resources Technical Report No. 22, United States Department of the Interior, Geological Survey, 1980.

Index to Surface Water Data in Louisiana, Water Resources Basic Records Report No. 17, United States Department of the Interior, Geological Survey, 1989.

LPDES Permit Application to Discharge Wastewater, Total Environmental Solutions, Inc. (TESI), Frenchman's Creek, December 8, 2008.